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NEW YORK NY 10036-4003

MAILED

MAR 11 2010  
OFFICE OF PETITIONS

In re Patent No. 7,521,478 : DECISION ON REQUEST  
Losada et al. : FOR  
Issue Date: April 21, 2009 : RECONSIDERATION OF  
Application No. 10/523,172 : PATENT TERM ADJUSTMENT  
Filed: September 1, 2005 : and  
Atty Docket No. 13566.105013 : NOTICE OF INTENT TO ISSUE  
: CERTIFICATE OF CORRECTION

This is a decision on the petition filed on May 20, 2009, which is being treated as a petition under 37 CFR 1.705(d) requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted by five hundred sixty-one (561) days.

The petition to correct the patent term adjustment indicated on the above-identified patent is **GRANTED to the extent indicated herein**. The patent term adjustment is corrected to indicate that the term of the above-identified patent is extended or adjusted by **seven hundred seventy-five (775)** days.

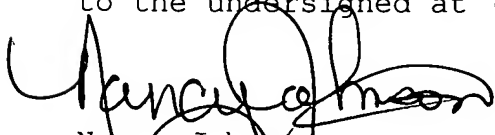
The "B" delay period is 446 days, not 232 days. Patentee calculated this period based on the date this application fulfilled the requirements of 35 U.S.C. 371. However, in an international application, this period is based on the failure of the Office to issue a patent within three years after the national stage commenced under 35 U.S.C. 371(b) or (f). See 1.702(b). Further, in this instance, the national stage commencement date is Monday, January 31, 2005. The priority date of this application is July 30, 2002. As the requirements for early commencement were not met, the national stage commenced in this application at the end of the thirty-month

period. As the expiration of the 30-month period pursuant to 35 U.S.C. 371(b) fell on a Saturday, the period expired on the subsequent business day. See PCT Rule 80.5. Accordingly, the commencement date is Monday, January 31, 2005. Thus, "B" delay is 446 days, counting the number of days beginning on February 1, 2008 and ending on April 21, 2009, the date of issuance. See 1.703(b). Therefore, the patent term adjustment is 775 (343 + 446 - 14) days.

The Office will *sua sponte* issue a certificate of correction. Pursuant to 37 CFR 1.322, the Office will not issue a certificate of correction without first providing assignee or patentee an opportunity to be heard. Accordingly, patentees are given **one (1) month or thirty (30) days**, whichever is longer, from the mail date of this decision to respond. No extensions of time will be granted under § 1.136.

The application is being forwarded to the Certificates of Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by seven hundred seventy-five (**775**) days.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3219.



Nancy Johnson  
Senior Petitions Attorney  
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE  
**CERTIFICATE OF CORRECTION**

PATENT : 7,521,478 B2

DATED : April 21, 2009

DRAFT

INVENTOR(S) : Losada et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[\*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by 329 days

Delete the phrase "by 329 days" and insert – by 775 days--